



## U.S. Environmental Protection Agency

Region 1 – New England  
5 Post Office Square – Suite 100  
Boston, MA 02109-3912

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**CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

**AUG 05 2016**

Mark Moriarty, Director  
Department of Public Works  
City of New Britain  
27 West Main Street  
New Britain, CT 06051

Re: EPA Request for Information Pursuant to Section 308 of the Clean Water Act  
EPA Docket No. CWA-308-R01-FY16-55

Dear Mr. Moriarty:

The City of New Britain ("City") owns and operates a Municipal Separate Storm Sewer System ("MS4"). Stormwater discharges and certain non-stormwater discharges from the City's MS4 are authorized by the General Permit for the Discharge of Stormwater from Small Municipal Separate Storm Sewer Systems ("MS4 Permit") issued by the Connecticut Department of Energy and Environmental Protection ("CT DEEP"). The MS4 Permit was first issued on January 9, 2004 ("2004 MS4 Permit"); CT DEEP received an application from the City for registration under the 2004 MS4 Permit on April 8, 2004. The MS4 Permit was re-issued without changes on January 9, 2009, and January 12, 2016; the MS4 Permit will expire on June 30, 2017. A modified MS4 Permit was issued on January 20, 2016, with an effective date of July 1, 2017 (the "2017 MS4 Permit").

Section 308(a) of the Federal Clean Water Act (the "Act"), 33 U.S.C. § 1318(a), authorizes the Environmental Protection Agency ("EPA") to require the owner or operator of a point source to provide information needed to determine whether there has been a violation of the Act.

The City is hereby required, pursuant to Section 308(a) of the Act, 33 U.S.C. § 1318(a), to respond to this Request for Information (the "Request") within **90 calendar days of receipt of this letter**, unless otherwise specified herein. Please read the instructions in Attachment A carefully before preparing your response and answer each question in Attachment B as clearly and completely as possible.

Your response to this Request must also be accompanied by a certificate that is signed and dated by a person who is authorized to respond to the Request. A Statement of Certification, Attachment C, is attached to this letter.

Information submitted pursuant to the Request shall be submitted **on paper and in an electronic format** to EPA at the following addresses:

John Melcher  
Mail Code: OES04-1  
US EPA, Region 1  
5 Post Office Square, Suite 100  
Boston, MA 02109-3912  
melcher.john@epa.gov

Information submitted pursuant to the Request shall be submitted **in an electronic format** to CT DEEP via kim.hudak@ct.gov.

Compliance with this Request is mandatory. Failure to respond fully and truthfully, or to adequately justify any failure to respond within the time frame specified above, also constitutes a violation of the Clean Water Act subject to enforcement action, including the assessment of penalties. In addition, providing false, fictitious, or fraudulent statements or representations may subject you to criminal prosecution under 18 U.S.C. § 1001.

On August 13 and 14, 2015, EPA conducted an audit of the City's MS4 ("2015 MS4 Audit"), evaluating compliance through discussions with City representatives, review of City documents, and inspecting City MS4 assets. A copy of the report from the 2015 MS4 Audit is included as Attachment D of this letter.

On October 20, 2015, EPA conducted a sampling inspection of the City's MS4 ("2015 MS4 Sampling Inspection"), evaluating compliance through in-situ monitoring and collection and analysis of grab samples from the City's MS4. Results from the sampling are included as Attachment E of this letter.

If you have questions regarding this Request, please contact John Melcher, Enforcement Officer of my staff at (617) 918-1663 or have your attorney contact Kevin Pechulis, Enforcement Counsel at (617) 918-1612.

Sincerely,



James Chow, Manager  
Technical Enforcement Office  
Office of Environmental Stewardship

Electronic carbon copy:

John Melcher, US EPA  
Kevin Pechulis, US EPA  
Gil Bligh, City of New Britain  
Kim Hudak, CT DEEP

Enclosures:

- Attachment A – Instructions
- Attachment B – Request
- Attachment C – Statement of Certification
- Attachment D – 2015 MS4 Audit Report
- Attachment E – Results from 2015 MS4 Sampling Inspection
- Attachment F – EPA New England Bacterial Source Tracking Protocol, January 2012  
Draft

## **Attachment A**

### **Instructions**

1. Provide a separate narrative response to each and every item and subpart thereof set forth in this Request. Precede each response with the text and the number of the item and the subpart to which the response corresponds.
2. If you cannot respond to any item in full, respond to the extent possible. If your responses are qualified in any manner, explain.
3. Any documents referenced or relied upon by you to respond to the Request must be copied and submitted to EPA with your response. All documents must contain a notation indicating the item and subpart to which they are responding. If the documentation that supports a response to one item duplicates the documentation that supports another item, submit one copy of the documentation and reference the documentation in subsequent responses.
4. If information or documents not known or not available to you as of the date of the submission of the response to this Request should later become known, or available to you, you must supplement your response. Moreover, should you find at any time after the submission of your response that any portion of the submitted information is inaccurate or incomplete, you must notify EPA of this finding as soon as possible and provide a corrected response.



## **Attachment B**

### **Request**

#### Stormwater Management Plan

1. Section 6 of the 2004 MS4 Permit requires that the City develop a Stormwater Management Plan ("SWMP"). Provide a copy of the City's current SWMP. The City is not required to submit the SWMP dated July 2004 that it provided to EPA during the 2015 MS4 Audit if the City has not updated its SWMP. If the City has not updated its July 2004 SWMP, provide a schedule for when the City will provide EPA with a current SWMP.

#### Total Maximum Daily Load ("TMDL") Allocations

2. Section 6(k) of the 2004 MS4 Permit requires that, following the approval of a TMDL for any waterbody into which the City discharges, the City review its SWMP if the TMDL includes requirements for control of stormwater discharges. Submit a list of all water bodies to which the City discharges stormwater, either directly or indirectly, that have approved TMDLs.<sup>1</sup> If separate wasteload allocations have been established for different segments of a single water body, list each segment separately. For each water body on this list include the following information:
  - a. The water body name, segment name (if applicable), and pollutant(s) causing the impairment;
  - b. The number of City MS4 outfalls discharging to the water body (or water body segment if applicable);
  - c. Indicate whether the TMDL:
    - i. Imposes no requirements on the City;
    - ii. Requires only continued implementation of the minimum control measures under the MS4 Permit; or
    - iii. Imposes specific requirements on the City, and if so, describe the specific requirements.
  - d. Provide a list of the modifications made or planned to be made to the City's SWMP in response to TMDLs, as required by Section 6(k) of the MS4 Permit.

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<sup>1</sup> A useful reference to which the City may want to refer is the municipal factsheets published by CT DEEP and available at [http://www.ct.gov/deep/cwp/view.asp?a=2721&q=558562&DEEPNav\\_GID=1654](http://www.ct.gov/deep/cwp/view.asp?a=2721&q=558562&DEEPNav_GID=1654).

### Illicit Discharge Detection and Elimination (IDDE) Plan

3. Section 6(a)(3)(B)(iii) of the 2004 MS4 Permit requires that the City develop, implement, and enforce a program to detect and eliminate existing illicit discharges, as defined in 40 C.F.R. § 122.26(b)(3), into the MS4. Provide a written description of the City's program to detect and eliminate existing illicit discharges into the MS4 (the "IDDE Plan"). A thorough response to this request would be consistent with the requirements described in Appendix B, Section A(7) of the 2017 MS4 Permit.<sup>2</sup>

### Outfall and Interconnection Screening and Sampling

4. In accordance with the following requirements, provide inspection and sampling results for the City's MS4 outfalls and interconnections.<sup>3</sup>

If an outfall is inaccessible or submerged, the City shall proceed to the first accessible upstream manhole or structure for the observation and sampling and report the location with the screening results. If an interconnection is inaccessible or submerged, interconnection screening shall occur at the first accessible location within the City's system upgradient of the interconnection.

- a. Perform dry-weather screening and sampling:
  - i. Complete dry-weather screening and sampling for all City MS4 outfalls and interconnections by **November 30, 2016**.
  - ii. Provide dry-weather screening and sampling results to EPA and CT DEEP by January 15, 2017.
  - iii. Dry-weather screening and sampling shall proceed only when no more than 0.1 inches of rainfall has occurred in the previous 24-hour period.
  - iv. For each outfall and interconnection where dry-weather screening and sampling is conducted, provide the following information: unique identifier, receiving water, date of inspection, dimensions, shape, material (e.g., concrete, PVC), spatial location (latitude and longitude with a minimum accuracy of +/-30 feet), physical condition, and indicators of potential non-stormwater discharges (including presence or evidence of suspect flow and sensory observations such as odor, color, turbidity, floatables, or oil sheen).
  - v. When a flow is observed, a sample of the flow shall be collected

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<sup>2</sup> The new General Permit for the Discharge of Stormwater from Small Municipal Separate Storm Sewer Systems, issued by CT DEEP on January 20, 2016 (the "2017 MS4 Permit"), will become effective on July 1, 2017.

<sup>3</sup> An interconnection means the point where the City's MS4 discharges to another MS4 or other storm sewer system, through which the discharge is conveyed to waters of the state or to another storm sewer system and eventually to a water of the state.



and analyzed for *E. coli* bacteria, surfactants, ammonia, total residual chlorine, temperature, conductivity, and salinity. Equipment and field test kits available for the analysis of surfactants, ammonia, total residual chlorine, temperature, conductivity, and salinity are provided in Tables 1 and 2 of EPA Region 1's "EPA New England Bacterial Source Tracking Protocol," January 2012 Draft (included in this Request for Information as Attachment F).

- vi. If no dry weather flow is observed, the City shall record the condition of the outfall or interconnection and other relevant information. If no flow is observed, but evidence of dry weather flow exists, the City shall revisit the outfall or interconnection during dry weather within one week of the initial observation, if practicable, to perform a second dry weather screening and sample any observed flow.
- b. Perform wet-weather screening and sampling:
  - i. Complete wet-weather screening and sampling, as required under Paragraph 4.b.iv., by **November 30, 2017**.
  - ii. Provide wet-weather screening and sampling results to EPA and CT DEEP by January 15, 2018.
  - iii. Wet-weather screening and sampling shall proceed during or after a storm event of sufficient depth or intensity to produce a stormwater discharge but only during the spring (March 1 to June 30) when groundwater levels are relatively high. This Request does not require a minimum rainfall event prior to wet weather screening. However, the purpose of wet weather screening and sampling under the IDDE program is to identify illicit discharges that may activate or become evident during wet weather. The City may incorporate provisions in its IDDE program that assist in targeting such discharges, including avoiding sampling during the initial period of discharge ("first flush") and/or identifying minimum storm event intensities likely to trigger sanitary sewer interconnections.
  - iv. Wet-weather screening and sampling shall be performed, at a minimum, at those outfalls or interconnections where flow was not observed during dry-weather inspections or sampling, as well as those outfalls or interconnections where dry-weather screening and sampling did not indicate that illicit discharges were present. For purposes of this Request, dry-weather screening or sampling shall indicate the presence of illicit discharges when any of the following conditions are observed:

- A. Olfactory or visual evidence of sewage;
  - B. *E. coli* bacteria concentration equal to or greater than 235 colonies per 100 mL and surfactant concentration equal to or greater than 0.25 milligrams per liter (“mg/l”) via field kits (or 0.1 mg/l via laboratory analysis); or
  - C. *E. coli* bacteria concentration equal to or greater than 235 colonies per 100 mL and ammonia concentration of greater than or equal to 0.5 mg/l via field kits (or 0.1 mg/l via laboratory analysis).
- v. For each outfall and interconnection where wet-weather screening and sampling is conducted, provide the date of inspection and observations of indicators of potential non-stormwater discharges (including presence or evidence of suspect flow and sensory observations such as odor, color, turbidity, floatables, or oil sheen).
  - vi. For each outfall and interconnection where wet-weather screening and sampling is conducted, a sample of the flow shall be collected and analyzed for the parameters outlined in Paragraph 4.a.v., above.

#### IDDE Investigations

5. In the 2015 MS4 Sampling Inspection, EPA observed indicators of sanitary sewage contamination (i.e., illicit discharges) in at least the following four locations:
  - Outfall 3236, located at the intersection of South Main Street and Veteran’s Drive;
  - Outfall 2403, located along Glen Street;
  - Outfall 2852, located at the east end of Allen Street; and
  - Interconnection to CT Department of Transportation (“CT DOT”) identified as “3253,” located near the intersection of Whiting Street and Pioneer Street.

EPA’s observations of sanitary sewage contamination at Interconnection 3253 were communicated to the City during the 2015 MS4 Sampling Inspection; EPA’s observations for the other MS4 outfall locations have not been communicated to the City prior to this letter and Request. The sampling results from the 2015 MS4 Sampling Inspection are included in Attachment E of this Request.

- a. Provide the following information for all illicit discharge investigations performed by the City that relate to Interconnection 3253:
  - i. The actions the City has taken to trace the source(s) of the illicit discharge;
  - ii. Whether the City determined the source(s) of the illicit discharge;



- iii. Whether the illicit discharge has been eliminated, and if so when;
  - iv. The entity that eliminated the illicit discharge (i.e., the City or a private entity);
  - v. How much time elapsed between the identification of the source(s) of the illicit discharge and the elimination of the illicit discharge; and
  - vi. If the illicit discharge has not been eliminated, a written description and schedule of City's plans to eliminate the illicit discharge.
- b. Provide a written description of the City's plans, including an implementation schedule, for conducting illicit discharge investigations for MS4 Outfalls 3236, 2403, and 2852. A thorough response to this request would include a procedure equivalent to the procedures described in Appendix B, Section A(7)(e) of the 2017 MS4 Permit.
6. In its 2015 Annual Report, the City described its illicit discharge investigations on Commonwealth Avenue.
- a. The City states that #195 and #209 Commonwealth Avenue have illicit connections to the MS4. Provide a written description of the City's plan, including an implementation schedule, for how the City intends to compel the property owners to make the required repairs or for the City itself to make the required repairs to eliminate the illicit discharges.
  - b. The City states that, despite repeated attempts to access properties #189, #221, and #233 on Commonwealth Avenue, the City has not been able to gain access to perform dye testing. Provide a written description of the City's plan, including an implementation schedule, for conducting illicit discharge investigations in the area of these properties and for eliminating any illicit discharges into the MS4.
7. In its 2015 Annual Report, the City described finding a sanitary sewer line "dissecting" (and possibly leaking into) a storm drain near the intersection of John Street and Park Street. Provide a written description of the City's plan, including an implementation schedule, for conducting illicit discharge investigations in the area of this intersection and for performing any necessary repairs to eliminate illicit discharges.

#### Post-Construction Stormwater Management in New Development or Redevelopment

8. Section 6(a)(5)(A)(iii) of the 2004 MS4 Permit requires that the City use an ordinance or other regulatory mechanism to address the elements of Section 6(a)(5)(A)(i) of the 2004 MS4 Permit regarding post-construction runoff from new development and redevelopment projects to the extent allowable under State

or local law. Section 6(a)(5)(A)(i) of the 2004 MS4 Permit requires that the City shall develop, implement, and enforce a program to address runoff from new development and redevelopment projects that disturb greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale, that discharge into the MS4 or directly to waters of the state. Section 6(a)(5)(A)(i) of the 2004 MS4 Permit further provides that this program shall ensure that controls are implemented to require appropriate infiltration practices, reduction of impervious surface, creation of or conversion to sheet flow, measures and/or structures to reduce sediment discharge and any other innovative measures that will prevent or minimize water quality impacts. Provide a copy of all regulatory mechanisms adopted to comply with Section 6(a)(5)(A)(iii) of the 2004 MS4 Permit. If no such regulatory mechanism has been adopted, provide a schedule for when one will be developed and adopted. In developing such regulatory mechanism(s), EPA recommends that the City consider the requirements of Section 6(a)(5) of the 2017 MS4 Permit.

#### Pollution Prevention and Good Housekeeping in Municipal Operations

9. Section 6(a)(5)(A)(iv) of the 2004 MS4 Permit requires that the City ensure adequate long-term operation and maintenance of stormwater Best Management Practices (“BMPs”). Provide a written description of the City’s plan, including a schedule, to comply with Section 6(a)(5)(A)(iv) of the 2004 MS4 Permit.
10. Section 6(a)(6)(A)(iv) of the 2004 MS4 Permit requires that the City develop and implement a program to evaluate the necessary cleaning frequency for catch basins and other stormwater structures that accumulate sediment to provide for proper operations. Provide a written description of the City’s plan, including a schedule, to comply with Section 6(a)(6)(A)(iv) of the 2004 MS4 Permit. A thorough response to this request would include a criterion for proper operations equivalent to the criterion provided in Section 6(a)(6)(D)(ii) of the 2017 MS4 Permit.

End of Request.

## **Attachment C**

### **Statement of Certification**

Complete and Include With Your Response

I declare under penalty of perjury that I am authorized to respond on behalf of the City of New Britain. I certify that the foregoing responses and information submitted were prepared by me, or under my direction or supervision and that I have personal knowledge of all matters set forth in the responses and the accompanying information. I certify that the responses are true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment.

By \_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Printed)

\_\_\_\_\_  
(Title)

\_\_\_\_\_  
(Date)